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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,788	04/18/2005	Uwe Has	2002P01277WOUS	2239
46726	7590	01/08/2008		
BSH HOME APPLIANCES CORPORATION INTELLECTUAL PROPERTY DEPARTMENT 100 BOSCH BOULEVARD NEW BERN, NC 28562			EXAMINER PAIK, SANG YEOP	
			ART UNIT 3742	PAPER NUMBER
			MAIL DATE 01/08/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/531,788

Applicant(s)

HAS, UWE

Examiner

Sang Y. Paik

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-22 and 29-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-22 and 29-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claim 33 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. In claim 33, there is no proper antecedent basis for "said pushbutton".

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 9-11, 16, 18, 19, 29, 30 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Garcia et al (US 6,153,837).

Garcia shows the device claimed with at least two cooking points, at least one actuation member (13) such as a moveable toggle switch having a plurality of actuation modes to operate an initial selection including a mode for activating the selected cooking point, and an addition actuation mode including modes for selecting other cooking points by tilting the switch from its initial position, for increasing a heating level by changing the direction in a clockwise, for decreasing a heating level by turning the direction in a counterclockwise, and for stepwise

increase or decrease of temperatures at a selected cooking position through a repeated tilting of the switch. Garcia further shows a sensor (45) for sensing the actuation member of its tilting and rotational movements to activate the selected modes including the modes for activation, deactivation, adjustment of heating steps, and for sensing the change in the status of the modes.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 12, 13, 15, 17, 20, 21, 32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia et al (US 6,153,837) in view of Ito et al (US 4,691,659) or Rayner (US 3,639,705).

Garcia shows the device including the recited actuation element to perform various cooking functional modes, but does not shows the actuation element having a pushbutton for actuating another mode.

Ito or Rayner shows it is well known in the art of an toggle actuation element including the tilting or movement of the element to make a predetermined selected mode and a pushbutton movable along the axis extending through the actuation element to activate another predetermined mode.

In view of Ito or Rayner, it would have been obvious to one of ordinary skill in the art to adapt Garcia with the actuation member with a pushbutton to further incorporate activation of the actuation member to perform another cooking function as desired by the user.

With respect to claims 13 and 21, while Garcia does not show that its toggle switch has the claimed grip area, it would have been obvious to one of ordinary skill in the art to provide its toggle switch with the claimed area or any other area since such would have been dependent upon the cost and aesthetic appearances of the toggle actuation switch, and, also with respect to claims 15 and 17, it would also have been obvious to provide the actuation element to extend within the claimed range to adequately allow the user to use and activate such switch while providing an aesthetic appearance of the switch mounted on the cooking surface.

8. Claims 14 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia et al (US 6,153,837) in view of Sawyer (US 6,433,777).

Garcia shows the device claimed except the actuation element having a telescopic section.

Sawyer shows an actuation element such as a toggle switch having a telescopic section to allow the user the convenience of having an extended switch when in use.

In view of Sawyer, it would have been obvious to one of ordinary skill in the art to adapt Garcia with the telescopic section to conveniently allow the user the extended switch when in use and to retract the switch as needed.

9. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia in view of Ito or Rayner as applied to claims 12, 13, 15, 17, 20, 21 and 32 above, and further in view of Molyneaux (US 2,764,663) or Turner (US 3,064,091).

Garcia in view of Ito or Rayner shows the device claimed except for the pushbutton to activate a parboil surge cooking mode.

Molyneaux and Turner show that it is well known in the art to provide a stove with a rotary switch along with a bush button that allows a stepwise activation of the temperatures including a quick and rapid selections of boiling temperatures.

In view of Molyneaux and Turner, it would have been obvious to one of ordinary skill in the art to adapt Garcia, as modified by Ito or Rayner, with a bush button to activate additional heating temperatures including a parboil surge in order to further achieve a desire cooking process.

***Response to Arguments***

10. Applicant's arguments filed 10/24/07 have been fully considered but they are not persuasive.

The applicant argues Garcia shows the sensor that is operable to sense an additional actuation mode. This argument is not deemed persuasive since Garcia clearly shows the control that provides an plurality of actuation modes including the selection of the cooking points/positions, the heating adjustments including the increasing and decreasing cooking temperatures as well as the stepwise increase or decrease of cooking temperatures at a selected cooking position, and the sensor, in repose to such selection, determines such selection and activates the cooking device accordingly.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Y. Paik whose telephone number is 571-272-4783. The examiner can normally be reached on M-F (6:30-3:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Sang Y Paik  
Primary Examiner  
Art Unit 3742

syp